

SJC Rule 1:07 Report

COURT: Probate and Family Court Department					
FISCAL YEAR: 2023					
Type of Appointment		List	Method of Appointment	Qualification	Method of Application
1	Counsel in Mental Health Cases Substituted Judgment and <u>Rogers</u> cases G. L. c. 190B, § 5-306A(a) Counsel for incapacitated person or person to be protected, if above age of minority G. L. c. 190B, § 5-106(a), § 5-309(g) Counsel for principal in health care proxy proceedings G. L. c. 201D, § 6, § 17 Counsel for elderly person in protective services action G. L. c. 19A, § 20 Counsel for disabled person in protective services action G. L. c. 19C, § 7	A	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to: C.P.C.S. (617) 482-6212
2	Counsel for ward, minor incapacitated person or minor person to be protected G. L. c. 190B, § 5-106(a)	B	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to: C.P.C.S. (617) 482-6212
3	Counsel for parent in petition to appoint guardian of minor, petition for removal of guardian of minor, petition for parental access in guardianship of minor proceeding G. L. c. 190B, Article 5, Part 2 <u>Guardianship of V.V.</u> , 470 Mass. 590, 592 (2015) <u>L.B. v. Chief Justice of the Probate and Family Court Department</u> , 474 Mass. 231, 242 (2016) Counsel for guardian in petition for removal of guardian of minor G. L. c. 190B, § 5-212 (effective April 12, 2021) <u>Guardianship of K.N.</u> , 476 Mass. 762 (2017)	BP	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to: C.P.C.S. (617) 482-6212

4	<p>Counsel for child or parent G. L. c. 119, § 23(a)(1), § 23(a)(3) G. L. c. 119, § 29, § 29B G. L. c. 210, § 3 <u>Dept. of Public Welfare v. J.K.B.</u>, 379 Mass. 1 (1979) <u>Balboni v. Balboni</u>, 39 Mass. App. Ct. 210 (1995)</p> <p>Counsel for child or parent in contested, private adoption G. L. c. 210, § 6 cases, <u>Adoption of Meaghan</u>, 461 Mass. 1006 (2012)</p>	C	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to: C.P.C.S. (617) 482-6212
5	<p>Guardian <i>ad litem</i> or next friend For minor, protected person, incapacitated person or person not ascertained or not in being, in a formal proceeding involving trusts or estates of decedents, minors, protected persons, or incapacitated persons, and in judicially supervised settlements, G. L. c. 190B, § 1-404(a)</p> <p>Guardian <i>ad litem</i> - Notice For spouse, heir at law or devisee who is an incapacitated or protected person or a minor, in a probate or appointment proceeding, unless the spouse, heir or devisee is under conservatorship or, if not under conservatorship, is under guardianship by someone other than the petitioner or is represented by someone other than the petitioner, G. L. c. 190B, § 1-404(d), G. L. c. 203A, § 3</p> <p>Guardian <i>ad litem</i> - Account G. L. c. 190B, § 5-418(d)</p> <p>Guardian <i>ad litem</i> – Trust G. L. c. 203E, § 305</p> <p>Trustee G. L. c. 203, § 4; G. L. c. 203E, § 414(b), § 704(c)(3), § 704(d)</p> <p>Trustee for animal trust G. L. c. 203E, § 408(e)</p> <p>Person to enforce animal trust G. L. c. 203E, § 408(f)</p> <p>Person to enforce non-charitable trust without ascertainable beneficiary G. L. c. 203E, § 409(2)</p>	D	By Judge from Probate and Family Court Department list	<p>-Admission to the practice of law in Massachusetts, in good standing</p> <p>-At least 3 years of experience practicing probate law in the Probate and Family Court of Massachusetts, of which one year may be serving as a law clerk for the Probate and Family Court Department; OR</p> <p>-At least 3 years of experience as an Assistant Register/Assistant Judicial Case Manager/Judicial Case Manager or Probate and Family Court judge</p> <p>-No felony conviction</p> <p>-Professional liability insurance with at least \$100,000 coverage</p> <p>-Attendance at an educational program established by the Probate and Family Court prior to submitting application</p> <p>-Mandatory CLE as established by the Probate and Family Court on a yearly basis</p>	<p>Apply to:</p> <p>Probate and Family Court Administrative Office by email to:</p> <p>pandf.feegenerating@jud.state.ma.us</p>

6	<p>Guardian <i>ad litem</i> Evaluator - custody/parenting time/adoption issue, G. L. c. 215, § 56A</p>	E	By Judge from Probate and Family Court Department list	<p>-Licensed to practice medicine with a specialty in psychology, OR a licensed psychologist, OR a licensed independent clinical social worker, OR a licensed marriage and family therapist, OR a licensed rehabilitation counselor, OR a licensed mental health counselor, in good standing</p> <p>-At least 3 years of experience in Massachusetts after licensure conducting clinical evaluations and/or providing therapy to family members involved in or subject to court proceedings which include issues of child custody and parenting time in paternity, guardianship of minor, state intervention, divorce, and post-divorce cases</p> <p>-No felony conviction</p> <p>-Professional liability insurance with at least \$100,000 coverage</p> <p>-Attendance at a two-day educational program established by the Probate and Family Court before being approved for the list</p> <p>-Mandatory training as established by the Probate and Family Court on a yearly basis</p>	<p>Apply to:</p> <p>Probate and Family Court Administrative Office by email to:</p> <p>pandf.feegenerating@jud.state.ma.us</p>
7	<p>Guardian <i>ad litem</i> Investigator - domestic relations or custody/parenting time/adoption case, G. L. c. 215, § 56A Guardian <i>ad litem</i> or next friend G. L. c. 190B, § 1-404, § 5-106(b)</p> <p>For attorneys only: Guardian for incompetent divorce defendant G. L. c. 208, § 15 Counsel In divorce action to investigate or to investigate and defend, G. L. c. 208, § 16 Guardian <i>ad litem</i> To commence contempt action, G. L. c. 215, § 56B Guardian To exercise or waive privileges in non-state intervention cases</p>	F	By Judge from Probate and Family Court Department list	<p>-Clinician on Category E list; OR -Admission to the practice of law in Massachusetts, in good standing AND at least 3 years of experience practicing domestic relations law in the Probate and Family Court of Massachusetts, including cases involving divorce, paternity, custody, parenting time, child support, alimony, and contempt</p> <p>-No felony conviction</p> <p>-Professional liability insurance with at least \$100,000 coverage</p> <p>-Attendance at a two-day educational program established by the Probate and Family Court before being approved for the list</p> <p>-Mandatory training as established by the Probate and Family Court on a yearly basis</p>	<p>Apply to:</p> <p>Probate and Family Court Administrative Office by email to:</p> <p>pandf.feegenerating@jud.state.ma.us</p>

8	Guardian <i>ad litem</i>/next friend For actions involving state intervention pursuant to G. L. c. 119, § 29 or G. L. c. 210, § 3 For a minor parent signing an adoption surrender - <u>Adoption of Thomas</u> , 408 Mass. 446 (1990) Guardian To exercise or waive privileges in state intervention cases - <u>Adoption of Diane</u> , 400 Mass. 196 (1987); G. L. c. 112, § 135B; G. L. c. 233, § 20B	G	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing -At least 3 years of experience practicing in the Probate and Family Court of Massachusetts, including experience with issues of waiver of privilege, as well as custody cases pursuant to G. L. c. 119, § 23, and adoption consent cases pursuant to G. L. c. 210, § 3(b) -Certification by the Committee for Public Counsel Services to accept appointments as counsel for children and parents in state intervention custody and adoption consent cases -Familiarity with the provisions of G. L. c. 112, §§ 129A, 135, 135A, 135B and G. L. c. 233, § 20B -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
9	Monitor of treatment process G. L. c. 190B, § 5-306A(b)	H	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing, OR -A person with an advanced degree in medicine, psychology, or social work, licensed in Massachusetts, in good standing -At least 3 years of related professional experience -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
10	Guardian <i>ad litem</i> for elderly or disabled person in protective services action Counsel for non-indigent elderly or disabled person in protective services action For elderly person in protective services action, G. L. c. 19A, § 20 For disabled person in protective services action, G. L. c. 19C, § 7	I	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing -At least 3 years of experience practicing guardianship/conservatorship law in the Probate and Family Court of Massachusetts, including cases involving protective services for elderly and/or disabled persons -Familiarity with the provisions of G. L. c. 19A and G. L. c. 19C -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us

11	Guardian <i>ad litem</i>/next friend Interest in real property, G. L. c. 190B, § 1-404 Alienation of land, G. L. c. 183, § 50 Partition of land, G. L. c. 241, § 9 Commissioner Partition of land, G. L. c. 241, § 12	J	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing -At least 10 years of experience practicing probate law in the Probate and Family Court of Massachusetts, and in the real estate field, including a minimum of 3 cases involving the partition of real estate in each of which real estate was partitioned or sold after appointment of a commissioner -Familiarity with the provisions in G. L. c. 241 -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
12	Guardian <i>ad litem</i> To investigate condition of incapacitated person or person to be protected, G. L. c. 190B, § 5-106(b)	K	By Judge from Probate and Family Court Department list	Any person who is on list H, I, or Q	There is no separate application for Category K. Once included on the Category H, I, or Q list, the person is automatically added to the Category K list.
13	Guardian <i>ad litem</i> To investigate condition of minor, G. L. c. 190B, § 5-106(b)	L	By Judge from Probate and Family Court Department list	Any person who is on list F or G	There is no separate application for Category L. Once included on the Category F or G list, the person is automatically added to the Category L list.
14	Guardian <i>ad litem</i> Temporary Guardianship - withholding medical treatment <u>Matter of Spring</u> , 380 Mass. 629 (1980) G. L. c. 190B, § 5-306A, § 5-308	M	By Judge from Probate and Family Court Department list	Any person who is on list A, H, or I	There is no separate application for Category M. Once included on the Category A, H, or I list, the person is automatically added to the Category M list.
15	Guardian <i>ad litem</i> Child Performers, G. L. c. 231, § 85P1/2 (d)(4)	N	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing -At least 3 years of experience practicing as an attorney drafting and negotiating contracts for performers or entertainers -Familiarity with the provisions in G. L. c. 231, § 85P1/2 -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us

16	Physician, Certified Psychiatric Nurse Clinical Specialist or Licensed Psychologist Expert in mental illness, Mass. R. Civ. P. 35, Mass. R. Dom. Rel. P. 35, G. L. c. 190B, § 5-303(e)	O	By Judge from Probate and Family Court Department list	-Licensed to practice medicine, in good standing; and -At least 5 years devoting a substantial amount of time to the practice of psychiatry; OR -Certification as Psychiatric Nurse Clinical Specialist, in good standing; and -At least 5 years in practice as a Certified Psychiatric Nurse Clinical Specialist; OR -Licensed to practice psychology, in good standing; and -At least 5 years in practice as a psychologist since licensure -Have been qualified in courts of the Commonwealth as an expert in the evaluation and treatment of mentally ill persons in at least 3 different court cases -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
17	Guardian of Minor G. L. c. 190B, § 5-201, § 5-204, § 5-207	P	By Judge from Probate and Family Court Department list	Any person who is on list F or G	There is no separate application for Category P. Once included on the Category F or G list, the person is automatically added to the Category P list.
18	Guardian For an incapacitated person, G. L. c. 190B, § 5-305, § 5-308	Q	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing -At least 3 years of experience practicing law in guardianship cases in the Probate and Family Court of Massachusetts -No felony conviction -Professional liability insurance with at least \$100,000 coverage	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
19	Conservator G. L. c. 190B, § 5-407, § 5-409, § 5-412A Receiver for absentee's property G. L. c. 200, § 5	R	By Judge from Probate and Family Court Department list	Any person who is on list D or Q	There is no separate application for Category R. Once included on the Category D or Q list, the person is automatically added to the Category R list.

20	Master Mass.R.Civ.P. 53, Mass.R.Dom.Rel.P. 53, G. L. c. 221, § 57	S	By Judge from Probate and Family Court Department list	<p>-Former Massachusetts Probate and Family Court judge with at least 10 years of experience, OR</p> <p>-Attorney with at least 15 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 7 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand OR</p> <p>-Attorney with at least 15 years of experience practicing in the probate field in the Probate and Family Court of Massachusetts, which has included participating in at least 7 probate trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand</p> <p>-Admission to the practice law in Massachusetts, in good standing</p> <p>-No felony conviction</p> <p>-Professional liability insurance with at least \$100,000 coverage</p>	<p>Apply to:</p> <p>Probate and Family Court Administrative Office by email to:</p> <p>pandf.feegenerating@jud.state.ma.us</p>
21	Special Master To perform specific acts - Mass.R.Civ.P.70, Mass.R.Dom.Rel.P.70	T	By Judge from Probate and Family Court Department list	Any person on list D, J, or Q, or any attorney on list F	<p>There is no separate application for Category T.</p> <p>Once included on the Category D, J, or Q, or Category F (attorneys only) list, the person is automatically included on the Category T list.</p>
22	Discovery Master Mass.R.Dom.Rel.P. 26(j)	U	By Judge from Probate and Family Court Department list	<p>-Admission to the practice of law in Massachusetts, in good standing</p> <p>-At least 10 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 5 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand OR</p> <p>-At least 10 years of experience practicing in the probate field in the Probate and Family Court of Massachusetts, which has included participating in at least 5 probate trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand</p> <p>-Have represented a party in at least 5 cases which included contested discovery issues which were submitted to the judge or to a discovery master</p> <p>-No felony conviction</p>	<p>Apply to:</p> <p>Probate and Family Court Administrative Office by email to:</p> <p>pandf.feegenerating@jud.state.ma.us</p>

				-Professional liability insurance with at least \$100,000 coverage	
23	Parenting Coordinator Standing Order 1-17 <u>Bower v. Bournay-Bower</u> , 469 Mass. 690 (2014)	V	By Judge from Probate and Family Court Department list	-Admission to the practice of law in Massachusetts, in good standing, with at least four years of related professional experience since licensure; OR -A licensed psychiatrist, psychologist, or independent clinical social worker, in good standing, with at least two years of related professional experience since licensure in Massachusetts; OR -A licensed marriage and family therapist or a licensed mental health counselor, in good standing, with at least four years of related professional experience since licensure in Massachusetts -No felony conviction -Professional liability insurance with at least \$100,000 coverage -Attendance at an educational program established by the Probate and Family Court prior to submitting application -Once approved, attendance each year at training as established by the Probate and Family Court	Apply to: Probate and Family Court Administrative Office by email to: pandf.feegenerating@jud.state.ma.us
24	Counsel For defendant in criminal contempt action, G. L. c. 211D, § 6(b)(ii)	W	By County Bar Advocates' list. Refer to CPCS website at www.publiccounsel.net		Contact office of County Bar Advocates.
25	Counsel (Military Attorney) for person in armed forces, Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043 <u>U.S. v. Henagan</u> , 552 F.Supp. 350 (M.D. Alabama N.D. 1982)	X	By Judge from Probate and Family Court Department list	Any person on list D or G or any attorney on list F or Q	There is no separate application for Category X. Once included on the Category D, G, or Q list or Category F (attorneys only) list, the person is automatically included on the Category X list.
26	Special Process Server G. L. c. 215, § 34A	Y	By Judge	-Current appointment as constable by a city pursuant to G. L. c. 41, § 91; OR -Current appointment as constable by selectmen of a town pursuant to G. L. c. 41, § 91A -Professional liability insurance with at least \$100,000 coverage	
27	Stenographer Supplemental Probate and Family Court Rule 18	Z	By Judge	-A Certified Court Reporter certified in any state in the United States; OR	

				-A Registered Professional Reporter registered with the National Court Reporters' Association -Professional liability insurance with at least \$100,000 coverage	
28	Professional Parenting Time Supervisor	AA	By Judge from Probate and Family Court Department list (when available)	-Familiarity with and commitment to comply with Guidelines for Professional Parenting Time Supervisors -No felony conviction -Professional liability insurance with at least \$100,000 coverage -Attendance at a two-day educational program established by the Probate and Family Court before being approved for the list	Application will be available during FY 2023.
29	Transcriber	BB	By Judge	-A Certified Court Reporter certified in any state in the United States; OR -A Registered Professional Reporter registered with the National Court Reporters' Association -Professional liability insurance with at least \$100,000 coverage	